

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 28377 Permit 19663 License

**ORDER CORRECTING DESCRIPTION OF SOURCE
APPROVING NEW DEVELOPMENT SCHEDULE,
ADDITION OF NEW PERMIT TERM,
ISSUANCE OF SEPARATE PERMITS,
AND
REVOCATION OF ORIGINAL PERMIT**

WHEREAS:

1. Permit 19663 was issued TO Elliot Roberts on October 15, 1985 pursuant to application 28377.
2. Permit 19663 was subsequently assigned to Randolph P. Rhodes, Frederick K. Loehr, and Michael F. Wills on December 1, 1993.
3. The State Water Resources Control Board (SWRCB) staff determined the description of the source and tributary under Permit 19663 should be corrected to agree with the source and tributary shown on the 1978 US Geological Survey Map (7.5')-LA Honda.
4. Petitions for an extension of time within which to develop the permittee's respective projects under Permit 19663 were filed with the SWRCB by Frederick K. Loehr & Michael F. Wills and Randolph P. Rhodes on February 15, 1994 and March 10, 1994 respectively.
5. The reallocation of water rights under this permit are subject to rights stipulated by the modified decree for Water of San Gregorio Creek System mandated by the Superior Court, San Mateo under Judgement 390319, dated December 30, 1996. The judgement mandated the rights granted under Permit 19663 be divided among the three following owners:
(A) David James Dorsey & Susan Dorsey, (B) Frederick K. Loehr & Michael F. Wills and (C) Randolph Paul Rhodes.
6. By letter dated June 17, 1977, Frederick K. Loehr and Michael F. Wills requested the SWRCB divide Permit 19663 between the following owners in accordance with the provisions of Judgement 390319:
 - A. David James Dorsey & Susan Dorsey: 1,233 gallons per day (gpd) for exterior domestic.
 - B. Frederick K. Loehr & Michael F. Wills: 1,233 gpd for exterior domestic and 500 gpd for interior domestic.
 - C. Randolph Paul Rhodes: 1,233 gpd for exterior domestic and 500 gpd for interior domestic.
7. By letter dated August 10, 1997, Frederick K. Loehr and Michael F. Wills advised the SWRCB their portion of the property and point of diversion under Permit 19663 had been sold to Kurt and Deborah Gilson on July 21, 1997.

8. The SWRCB has determined the correction to the source, petitions received requesting an extension of time, addition of a new permit term and division of the permit into three separate permits are appropriate and do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 1 of Permit 19663 be corrected to read as follows:

Unnamed Spring (AKA Oaks Spring No. 148A, B & C), tributary to
Unnamed Stream (AKA South Bogess Creek) thence Bogess Creek thence
San Gregorio Creek.

2. Condition 7 of Permit 19663 be amended to read:

Complete application of water
to the proposed use shall be made
on or before December 31, 2002.

(0000008)

3. Condition 15 of Permit 19663 be added as follows:

Rights under this permit are, and shall be specifically
subject to existing rights determined by the
San Gregorio Creek Adjudication, Superior Court,
San Mateo County, No. 355792 insofar as said
adjudicated rights are maintained.

(0000023)

4. Permit 19663 be replaced by Permit 19663A issued to David James Dorsey and Susan Dorsey, Permit 19663B issued to Kurt and Deborah Gilson and Permit 19663C issued to Randolph Paul Rhodes.

5. Superseded Permit 19663 is hereby revoked upon issuance of Permits 19663A, 19663B and 19663C.

6. **Permit:** 19663A
Owner:

(Application 28377A)
David James Dorsey and
Susan Dorsey
2655 Bear Gulch Road
Woodside, CA 94062

Source:

Unnamed Spring (AKA Oaks
Spring-No. 148A) tributary to
Unnamed Stream thence Unnamed
Stream (AKA South Bogess
Creek) thence Bogess Creek
thence San Gregorio Creek
in San Mateo County.

Use:

Incidental Domestic,
Stockwatering and Fire
Protection.

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Amount: 1,233 gallons per day.
(gpd)-Fourth Priority;
maximum Annual Use: 1.38 acre-feet

Season: January 1 to December 31

Point of
Diversion: Diversion No. 148A-North 50°
West 2,700 feet from SE corner of
projected Section 33, T6S,
R4W, MDB&M, being within
the NW¼ of SE¼ of said
Section 33, also described
as California Coordinate
System, Zone 3, N 319,650 and
E 1,476,150.

Place of
Use: Within E¼ of SW¼ of projected
Section 33, T6S, R4W, MDB&M, as
shown on map on file with
the SWRCB.

Permit: 19663B
Owner: (Application 28377B)
Kurt and Deborah Gilson
3155 Bear Gulch Road
Woodside, CA 94062

Source: Unnamed spring (AKA Oaks
Spring-No. 148B) tributary to
Unnamed Stream thence Unnamed
Stream (AKA South Branch
Bogess Creek) thence
Bogess creek thence
San Gregorio Creek in
San Mateo County.

Use: Domestic, Stockwatering and
Fire Protection.

Amount: 500 gpd (residence)-First Priority
1,233 gpd (Incidental Exterior Domestic Use,
Stockwatering and Fire Protection)-Fourth
Priority, Maximum Annual Use: 1.94 acfe-feet

Season: January 1 to December 31

Point of
Diversion:

Diversion No. 148B-North 50°
West 2,700 feet from SE corner
of projected Section 33, T6S,
R4W, MDB&M, being within NW¼
SE¼ of said Section 33,
also described as California
Coordinate System, Zone, N 319,650
and E 1,476,150.

Place of
Use:

Residence and grounds within
the SW¼ of SW¼ of projected
Section 33, T6S, R4W, MDB&M,
as shown on a map on file with
the SWRCB.

Permit 19663C
Owner:

(Application 28377C)
Randolph Paul Rhodes
16208 Skyline Blvd.
Woodside, CA 94062

Source:

Unnamed Spring (AKA Oaks
Spring-No. 148C) tributary to
Unnamed Stream thence Unnamed
Stream (AKA South Branch
Bogess Creek) thence
Bogess Creek thence
San Gregorio Creek in
San Mateo County.

Use:

Domestic, Stockwatering and
Fire Protection

Amount:

500 gpd (residence)-First
Priority 1,233 gpd (Incidental
Exterior Domestic Use, Stockwatering,
and Fire Protection)-Fourth
Priority, Maximum Annual
Use: 1.94 acre-feet

Season:

January 1 to December 31

Point of
Diversion:

Diversion No. 148C-North 50°
West 2,700 feet
from SE corner of projected
Section 33, T6S, R4W, MDB&M,
being within the
NW¼ of SE¼ of said Section 33,
also described as California
Coordinate System, Zone 3
N 319,650 and E 1,476,150.

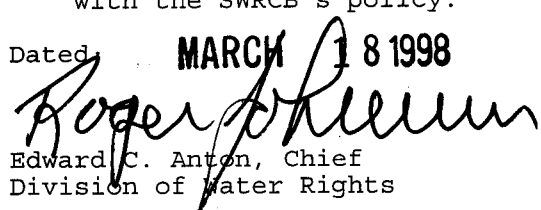
Place of
Use:

Residence and grounds, within
the SE¼ of SE¼ of projected
Section 32, T6S, R4W, MDB&M,
as shown on a map on file
with SWRCB.

7. Permits 19663A, 19663B, and 19663C shall contain all other terms and conditions presently in Permit 19663 or updated versions form compliance with the SWRCB's policy.

Dated

MARCH 18 1998

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Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT **19663**Application 28377 of Elliot Roberts3155 Bear Gulch Road, Woodside, California 94062filed on January 24, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

I. Source:

Tributary to:

1) Unnamed Spring

Bogess Creek thence

San Gregorio Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
North 50° West, 2,700 feet from SE corner of projected Section 33	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	6S	4W	MD

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Domestic	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	6S	4W	MD	
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	32	6S	4W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 9,060 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 5.6 acre-feet per year. ✓
0000005

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. ✓
0000006

7. Complete application of the water to the authorized use shall be made by December 1, 1989. ✓
0000009

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. ✓
0000010

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. ✓
0000011

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. ✓
0000012

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. ✓
0000013

12. During the season specified in this permit the total quantity and rate of water diverted and used under this permit and permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in the permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of this claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the Board.

Permittee shall take and use water under the existing right claimed by 0000021 permittee only in accordance with law.

13. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. 0000022 ✓

14. The equivalent of the continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. 0000027 ✓

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

OCTOBER 15 1985

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights